

VZCZCXRO2563
RR RUEHGR
DE RUEHWN #0126/01 0562006
ZNR UUUUU ZZH
R 252006Z FEB 09
FM AMEMBASSY BRIDGETOWN
TO RUEHC/SECSTATE WASHDC 7157
INFO RUCNCOM/EC CARICOM COLLECTIVE
RUEAWJA/DEPT OF JUSTICE WASHDC
RUEHC/DEPT OF LABOR WASHDC
RUEATRS/DEPT OF TREASURY WASHDC
RHMFIIU/DEPT OF HOMELAND SECURITY WASHINGTON DC

UNCLAS SECTION 01 OF 08 BRIDGETOWN 000126

SENSITIVE
SIPDIS

STATE FOR G/TIP, G, INL, DRL, PRM, AND WHA/CAR
STATE PASS TO USAID/LAC/CAR-BOUNCY

E.O. 12958: N/A

TAGS: [KTIPI](#) [PHUM](#) [KWMN](#) [ELAB](#) [SMIG](#) [ASEC](#) [KFRD](#) [PREF](#) [DO](#) [XL](#)
SUBJECT: TIP SUBMISSION - DOMINICA

REF: 08 STATE 132759

¶1. (U) As requested in reftel, below are Post's responses to questions regarding Dominica for the annual Trafficking in Persons (TIP) Report.

PARA 23 - THE COUNTRY'S TIP SITUATION

¶2. (SBU)

-- A. What is (are) the source(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

There are three primary sources of information: The Government of Dominica, which includes the police and the Women's Bureau of the Ministry of Community Development, Culture, Gender Affairs and Information; the press; and the Dominican National Council of Women (DNCOW). The DNCOW and the press are reliable. The Government of Dominica is selective in the information it releases and is less timely and reliable. Civil society is sensitive to TIP issues, but neither the Government nor civil society consider TIP to be a critical problem in the country. Both entities are understaffed to take vigorous additional steps to increase TIP documentation.

-- B. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Does trafficking occur within the country's borders? If so, does internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? To where are people trafficked? For what purposes are they trafficked? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

There have been no reports that Dominica is a country of origin, transit, or destination for trafficked men, women, or children. However, no investigations, studies or surveys have been done. There is limited anecdotal evidence that trafficking may exist. This evidence suggests that Dominica may be a country of transit and destination, primarily for nationals from Haiti and the Dominican Republic. In conversations with contacts, Dominica is a country of transit for smuggled Haitians hoping to reach the French islands

of Guadeloupe and Martinique. To deter this activity, Dominica charges a deposit of \$375 USD for select individuals entering this country that is returned upon the legal exit from the country. According to contacts, few Haitians ever collect this deposit.

According to DNCOW, only one case existed of a woman from the Dominican Republic being brought to Dominica legally, but being pressured to enter a job different from the one she was promised. The woman expressed a desire to stay in Dominica, but to do the type of work promised to her. Although there are only a few cases that have been brought to the attention of the NGO community, there may be others as an underground sex industry, operating out of clubs, is now established in Dominica, according to our contacts in the NGO community. Police are often seen at these clubs, and one NGO worker claims to have been threatened when she attempted to enter one of the clubs. Most of the commercial sex workers are foreigners who don't speak English and are reluctant to talk to NGO workers. There have been no changes in the TIP situation since the last TIP report.

-- C. What kind of conditions are the victims trafficked into?

There have been reports of women from the Dominican Republic traveling to Dominica to engage in prostitution, but no reports that these women are victims of TIP. There are reports that Haitians are traveling to Dominica to transit to the French islands

BRIDGETOWN 00000126 002 OF 008

or to work locally, but there have been no reports that these individuals are victims of TIP. There have been no reports of sexual slavery or trafficking of children for prostitution.

-- D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

The minority Carib group is the most vulnerable group in the country due to economic and social marginalization, but there is no evidence that they are victims of trafficking.

-- E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends? What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

There have been no reports of TIP by the press or the government. Establishments such as bars offer women employment as prostitutes, however, there is no evidence any women have been trafficked against their will. Firms may offer employment to Haitians lacking proper credentials, but there is no evidence that any of these individuals have been trafficked against their will. There is no indication that employment, travel or tourism agencies, or marriage brokers are involved in TIP.

TIP EFFORTS

13. (SBU)

-- A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The government denies that anybody is trafficked into the country, and there is no evidence that trafficking is a problem.

-- B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The police force and the Women's Bureau of the Ministry of Community Development, Culture, Gender Affairs and Information. The police have the lead in combating TIP as a law enforcement matter, typically as part of routine enforcement measures against prostitution. There were no arrests of either prostitutes or their clients in 2008.

-- C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

Dominica is a relatively poor country with a mountainous interior and extensive coastlines. The government lacks the resources to effectively patrol the border for people either entering or leaving the country. Funding, training, and staffing for the local police force is inadequate to allow for a substantial and coordinated approach to TIP issues.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly

BRIDGETOWN 00000126 003 OF 008

or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The government does not take specific measures to monitor potential trafficking and has no official reports or statistics.

PARA 25 - INVESTIGATION AND PROSECUTION OF TRAFFICKERS

14. (SBU)

-- A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language (actual copies preferable) of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

The Immigration and Passport (Amendment) Act of 2003 (No. 19 of 2003) makes provision for the offense of human trafficking. It was enacted November 28, 2003, and reads:

27B. Offense of human trafficking

(1) A person is guilty of an offense of human trafficking if that person assists any other person to enter or leave Dominica in an unlawful manner.

(2) A person who is convicted of an offence under subsection (1) is liable to a fine of one hundred thousand dollars(US\$37,500)or to imprisonment for seven years or to both such fine and imprisonment.

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

Persons convicted of trafficking are subject to a fine of US\$37,500 and/or up to seven years? imprisonment.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country? If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

Although labor trafficking cases could be prosecuted under the law, any cases of confiscated passports or other offenses were resolved through the labor division.

-- D. What are the prescribed penalties for rape or forcible sexual assault?

The penalty for rape is a maximum sentence of 25 years imprisonment. The penalty for trafficking for commercial exploitation is less severe in terms of imprisonment (7 years), but carries a possible fine of

BRIDGETOWN 00000126 004 OF 008

up to US\$37,500.

-- E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker

to debt bondage? Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? What were the actual punishments imposed on persons convicted of these offenses? Are the traffickers serving the time sentenced? If not, why not?

The government did not prosecute any cases against human trafficking offenders. In past years, there have been allegations and investigations of workers having passports confiscated, but all cases were resolved without legal action.

-- F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

The government does not provide any specialized training. G/TIP sent a speaker on trafficking to Dominica who conducted a one-day training seminar which was well attended by police, immigration and the NGO community.

--G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

There are no such cases.

-- H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

The government has never extradited or charged anyone with TIP related crimes.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

The government does not explicitly or implicitly tolerate trafficking, but makes no effort to investigate women of other nationalities coming to Dominica to engage in prostitution. Dominica does not prosecute cases of prostitution.

-- J. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of

BRIDGETOWN 00000126 005 OF 008

government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or

received only a fine as punishment.

There is no evidence suggesting government officials are involved in TIP, and no government officials have been charged or prosecuted for TIP-related offenses.

There are anecdotal reports from the NGO community that police are providing security services to clubs after hours, and may be taking money or sexual favors to overlook prostitution that is taking place in these clubs. NGO contacts report that police are often seen inside the clubs with their police vehicles parked outside.

- K. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Prostitution and the facilitation of such are both illegal. The police made no arrests or convictions in 2008 for prostitution.

- L. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

Dominica does not generally contribute troops to international peacekeeping efforts.

-- M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

Dominica does not have an identified problem of child sex tourism.

PARA 26 - PROTECTION AND ASSISTANCE TO VICTIMS

15. (SBU)

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

The government does not provide assistance to victims and witnesses.

- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same

access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

There have been no reports of any victims. If there were victims, the Women's Bureau and DNCOW would provide counseling. DNCOW provides shelter for victims of gender based crimes.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

The government does not provide access to legal and psychological services.

- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

Police and Immigration officers have stated that they would likely deport anyone who was involved in trafficking in persons, including the victim.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

No.

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

No.

-- G. What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

There were no documented victims during the reporting period.

-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for

prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

The only system in place is to levy a deposit on certain arrivals to discourage them from illegally leaving the country.

BRIDGETOWN 00000126 007 OF 008

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

Police and Immigration contacts would consider deporting victims if they were in violation of immigration laws or found guilty of engaging in prostitution.

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

Dominica has no such program in place.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

The government does not provide any specialized TIP training for any of its officials or embassies, but would be amenable to training opportunities provided by outside sources. There were no reported TIP cases.

- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

The government does not provide any special services to TIP victims. If nationals are repatriated, only the normal social services are available.

-- M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

DNCOW provides assistance to victims of gender-based violence and is able to provide some assistance to trafficking victims. In the one case of a woman from the Dominican Republic being pressured to work in a bar, they are attempting to find her a more suitable

job.

PARA 27 - PREVENTION

16. (SBU)

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor?

The government did not conduct anti-trafficking or educational campaigns.

BRIDGETOWN 00000126 008 OF 008

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

The government only monitors immigration and emigration in terms of the entry deposit for select nationalities.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

There is no mechanism for coordination and communication.

-- D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

The government does not have a plan of action to combat trafficking in persons.

-- E: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

The government has not undertaken any actions to reduce demand for commercial sex acts.

-- F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

There is no evidence that nationals of Dominica are engaged in international child sex tourism.

HARDT